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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 February 1994]

REPRESSION OF THE LEADERS AND MEMBERS OF VARIOUS SECTIONS OF THE HUMAN RIGHTS ASSOCIATION OF TURKEY (IHD)

1992-1993

1. For several years now, the Centre Europe-Tiers Monde (CETIM) has been keeping a close watch on the development of the human rights situation in Turkey. At the forty-ninth session of the Commission on Human Rights, CETIM, through a written statement (E/CN.4/1993/NGO/22), helped to disseminate more widely the public declaration of the European Committee for the Prevention of Torture (CPT) adopted on 21 December 1992. Long excerpts of the declaration are included in the statement.

2. At this fiftieth session, CETIM would like to voice its concern over the systematic repression by the Government of Turkey of the leaders and members of the various sections of the Human Rights Association of Turkey (IHD). 1/ We have been receiving regular reports which lead us to believe that anyone who dares to declare himself a defender of human rights in Turkey courts certain danger and has performed an act of courage and conviction.

3. On the basis of various files forwarded to it by the different sections of IHD, CETIM has made a summary of the events which occurred in 1992:

In the Istanbul section

8 January 1992: Beginning of the trial of the Istanbul IHD leaders in the Fifth Correctional Court of Beyoğlu, on charges of permitting friends and relatives of prisoners to start a hunger strike on IHD premises, a demonstration allegedly in violation of articles 2 and 3 of the Association's statutes. On 11 March 1992, the leaders were acquitted.

23 June 1992: Following complaints received (mass arbitrary arrests after a vast operation in the "Küçük Armutlu" district on 20 June 1992), the Association sent a delegation to that district to carry out an investigation, but it was prevented by the police from going to the site.

30 June 1992: Beginning of the trial of Mr. Ercan Kanar, President of the section, in the Eighth Correctional Court of Beyoğlu. He is alleged to have distributed tracts to journalists during a press conference. Mr. Kanar was acquitted on 9 September 1992 because the tracts contained only written information.

22 August 1992: During a press conference on the abuses stemming from "055" 2/, 83 persons, most of whom are members of IHD, were arrested. Of these, 81 were released the following day and the remaining 2 were freed three days later. Baki Gökçe, a teacher, and Cafer Kilinç claimed that they were tortured while in police custody.

20 September 1992: The Governor forbade the organization of an evening to commemorate the death of Didar Şensoy, one of the founders of IHD, on the grounds that the commemoration of death is not provided for in the Association's statutes.

22 December 1992: Beginning of the trial of IHD leaders in the Thirteenth Correctional Court of Istanbul on charges of reading a press release in a public place. They were acquitted on 7 May 1993.

29 December 1992: Beginning of the trial of IHD leaders in the Third Correctional Court of Beyoğlu on charges of distributing a press release signed by Mr. Ercan Kanar, President of the Istanbul section. They were acquitted on 9 June 1993, because the press release had been distributed only to journalists and not to the civilian population.

29 December 1992: Beginning of the trial of IHD leaders in the Eighth Correctional Court of Beyoğlu on charges of placing an advertisement in a daily newspaper without having obtained the authorization of the administration of the Istanbul section. They were acquitted on 5 April 1993 because the advertisement did not involve the Association.

4. In addition, there were many police raids without a search warrant during which documents were confiscated - for instance, on 23 March 1992, 24 April 1992, 12 August 1992 and 10 October 1992.

In various sections of the Human Rights Association (IHD)

21 March 1992: During the events of the Kurdish national festival "Newroz", the IHD office of the Van section was ransacked. Yavuz Binbay, President of the Association, was arrested. He was seriously injured when he was beaten by the police in the course of his arrest. He was imprisoned on 3 April 1992 and released on 6 July 1992.

14 May 1992: Sekvan Aytu, President of the Şirnak section of IHD, was arrested. He was imprisoned on 29 May 1992, and told the leaders of the Şirnak section that he had been tortured while in police custody. He was released during 1993.

20 June 1992: Siddik Tan, a member of the IHD Executive Committee in the Batman section, was murdered by unidentified persons while he was visiting relatives. He had already been the victim of a car bomb attack on 2 July 1991 in which he had lost an eye and his 10-year-old son and another passenger had been seriously injured. His 22-year-old son Metin Tan was murdered by unidentified persons on 19 October 1992.

12 September 1992: An explosive placed in the store of Reşit Kahraman, brother of Dr. Cemal Kahraman, the IHD representative of the Nusaybin section, caused serious material damage.

22 September 1992: During a demonstration outside the Buca prison, 32 persons, including 4 IHD leaders of the Izmir section, were arrested. The IHD leaders were released after being detained for 23 days.

10 October 1992: Yeşim Işleğen, President of the Izmir section of IHD, was beaten up by police who wanted to prevent a meeting of the civil servants' union from taking place in Karşiyaka (Izmir). Four other persons were injured when the police intervened.

6 November 1992: The Governor of Adana ordered the Association closed until a court decision was taken. Mehmet Çapraz, the Deputy Governor, stated in his letter to IHD headquarters in Ankara: "On account of activities that are not in keeping with the purposes of the Association, the activities of your Adana section are hereby suspended". Three persons were arrested during the police raid. After acquittal by the court, the Association was reopened in early 1993.

8 November 1992: Police raid without a search warrant. The Konya section of IHD was closed indefinitely by decision of the Governor. The Association was reopened during 1993.

End of November 1992: Nine out of 16 persons arrested were imprisoned at Yüksekova (Hakkari). After their release the latter stated that they had been pressed to sign a deposition against IHD and HEP 3/ leaders.

10 December 1992: Following the closure of the premises, the President of the Samsun section of IHD, Mahmut Kolukisa, stated: "The decision states that the premises will remain closed until the trial ends. However, the trial in question ended with an acquittal in 1991. In our view, the purpose of this decision is to prevent our activities during Human Rights Week." The section was reopened three days later.

December 1992: Dr. Ruşen Aydin, President of the Kütahya section of IHD, was forced to resign from his post as Deputy Director of the SSK hospital - social insurance for civil servants - after being put under constant pressure to leave IHD.

12 December 1992: Gülay Toraman, wife of Hüseyin Toraman who has been missing since 1991, was arrested on the basis of an arrest warrant issued by the Istanbul police after she had participated in a meeting organized by the Izmir section of IHD. She was transferred to Istanbul and the State Security Court of Istanbul (DGM) decided to imprison her.

13 December 1992: Tayfun Gönül, a doctor, was arrested after making a presentation on the subject of peace at a meeting organized by the Izmir section of IHD. The authorities alleged that Tayfun Gönül was a deserter. He was released two days later.

5. Repression of the leaders and members of the various sections of IHD increased in 1993. Some of the files from different sections have already been transmitted to CETIM. At the time of writing, this summary is incomplete, but it still shows the difficulties encountered by all the sections of the Association. CETIM also wishes to emphasize the difficulties of communication, which are more pronounced in the south-east of the country, in other words, in the Kurdish provinces. It should be noted that since the bloody events of "Newroz", in March 1992, in addition to the Diyarbakir section, the other IHD sections in the Kurdish provinces are no longer active because of the constant repression to which they are subjected. The leaders and active members of these different sections are constantly threatened, often arrested and tortured and therefore can no longer make any statements.

18 February 1993: Kemal Kiliç, a member of the Executive Committee of the Urfa section of IHD, was murdered in that town by unidentified persons.

21 February 1993: Mr. Metin Can, a lawyer and President of the Elazig section of IHD, and Dr. Hasan Kaya, a member of the Association, were abducted and murdered by unidentified persons. Their bodies were found on 27 February 1993. Both men had previously received threats; Metin Can dealt with political trials and Hasan Kaya had left Şirnak after having being constantly threatened.

24 February 1993: Cemal Akar, a member of the Erzincan section of IHD, was abducted and later found dead.

25 April 1993: A delegation, called "IHD-Intellectuals Initiative", paid a three-day visit, from 23 to 25 April 1993, to the province of Diyarbakir to monitor a cease-fire. The members of the delegation, had a meeting with the Prefect of Bismil, Kenan Yozgatli, who granted them permission to visit the village of Tepecik. When they arrived there, the village guards manhandled them, fired at them and threatened to kill them if they did not leave. Instead of intervening, the police surrounded them and pointed their weapons at them. In view of the behaviour of the police, they had to leave the village under fire.

15 June 1993: The Governor of Ankara forbade the holding of a symposium on the Kurdish question, organized by IHD and scheduled to be held from 25 to 27 June 1993. Mehmet Çapraz, the Deputy Governor, stated in his letter of 15 June 1993, "Given the present situation and the escalation of events, a symposium on the Kurdish question might have injurious consequences". However, among the 400 or so eminent persons who had been invited, Mr. Sûleyman Demirel (President of the Republic), Mr. Erdal Inönû (Deputy Prime Minister), and Mr. Mesut Yilmaz (President of ANAP, the main opposition party) had replied accepting IHD's invitation. The appeal lodged by IHD with the Seventh Administrative Court in Ankara was dismissed on 24 June 1993. The position adopted by Erdoğan Şahinoğlu, Governor of Ankara, on the Kurdish question is demonstrated clearly in his letter to the Administrative Court: "There is no Kurdish question in Turkey; there is, rather, a question of security and development in the East". Furthermore, the manager of the Grand Hotel where the symposium was to have been held informed IHD that he had been threatened by the police and that, consequently, he was cancelling the contract. IHD protested against the banning of the symposium, at a press conference held outside the Grand Hotel on 25 June 1993.

18 June 1993: Closure of the Mersin section of the IHD for two weeks on the grounds of the presence on the premises of persons who were not members of the Association, and possession and unrestricted sale of magazines some issues of which have been forbidden by the State Security Court (DGM).

6 October 1993: Beginning of a trial with a view to the closure, very likely permanently, of the Istanbul section of IHD by the Public Prosecutor of Beyoğlu, on charges of organizing a meeting on the Kurdish question in December 1992.

7 December 1993: Second sitting of the court in the case involving the closure of the Istanbul section. According to the existing laws, a section may not be closed permanently if the headquarters are not. That is why, to date, the file is still in the hands of the Government Procurator of Ankara, since the headquarters of the Association are situated there.

6. CETIM was concerned about the situation and therefore in cooperation with the Swiss League of Human Rights, the Swiss section of Amnesty International and the International Association against Torture, it invited two leaders of IHD to Geneva on 2 December 1993. They were Akin Birdal, President of IHD, and Ercan Kanar, Vice-President of IHD and President of the Istanbul section.

They told us that on 40 occasions during the past two years (1992-1993) sections of IHD have been periodically closed, even though these sections have all been established in accordance with the Turkish laws.

7. The two leaders of IHD also informed us that during 1992 and 1993 five leaders were murdered. While the two IHD leaders were visiting Geneva, 10 lawyers defending the Association were in prison. Searches without a warrant, numerous prohibitions and arbitrary arrests are daily occurrences.

8. Referring to Part I, paragraph 13, of the Vienna Declaration and Programme of Action, CETIM recommends that the Commission on Human Rights should do everything possible to obtain a firm commitment from Turkey to adopt measures to ensure:

(a) that the security of defenders of human rights is guaranteed;

(b) that threats against and intimidation of leaders and active members of the Human Rights Association of Turkey cease immediately;

(c) that the activities and programmes of action of IHD for the defence and promotion of human rights can be carried out with respect for and enjoyment of fundamental rights.

Notes

1/ The Human Rights Association of Turkey was established in July 1986; at present it has over 45 sections and about 20,000 members. The Turkish abbreviation IHD is used to refer to it in the rest of the written statement.

2/ "055": This is the telephone number used to call the Istanbul police to denounce "terrorists". This number has been in operation since the beginning of 1992 (since mid-1993 it has become "155"). According to IHD's annual report, during 1992, 63 persons were murdered by the police during police raids on homes and 103 persons were killed after they were apprehended or ignored a warning. Following investigations by various sections of IHD, it was found that, in most cases, the official statements are not consistent with the facts.

3/ HEP: People's Labour Party, banned on 14 July 1993.